

Amendments to the Drawings

1. The drawing sheet containing Figures 5A and 6A has been amended by repositioning Figure 5A on the sheet and adding a centerline for Figure 5A.
2. The drawing sheet containing Figures 5B and 6B has been amended by repositioning Figure 5B on the sheet and adding a centerline for Figure 5B.
3. The drawing sheet containing Figures 5C and 6C has been amended by repositioning Figure 5C on the sheet and adding a centerline for Figure 5C.
4. The drawing sheet containing Figures 5D and 6D has been amended by repositioning Figure 5D on the sheet and adding a centerline for Figure 5D.
5. The drawing sheet containing Figures 5E and 6E has been amended by repositioning Figure 5E on the sheet and adding a centerline for Figure 5E.

Appendix: Replacement Sheets
Annotated Sheets showing changes

REMARKS / ARGUMENTS

For the convenience of the Examiner and clarity of purpose, Applicant has reprinted the substance of the Office Action in *10-point bolded and italicized font*. Applicant's arguments immediately follow in regular font. In general, Applicant does not accede to the Examiner's characterization of the cited prior art or the structure of Applicant's claims unless such agreement is expressly stated below.

1. The drawings are again objected to because in Figures 5A-5E and 6A-6E each corresponding "figure" is actually only one figure and should be labeled as such, i.e. Figures 5AA and 6A are the same figure and should be labeled as one figure. The examiner recognizes that applicant is attempting to compare the location of the different elements of the tool for two different tool positions, i.e. open and closed as described in the Brief Description of the Drawings, however, this comparison can be shown in only one figure (see 37 CFR 1.84). The actual figures themselves need not be changed but only labeled as a single figure and the Brief Description of the Drawings changed accordingly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant has amended Figures 5A – 5E and 6A – 6E.

3. *Claims 27, 28, 30, 38, 39, 41-43, 46, 49, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Crowe (US 3,771,603).*

Regarding claim 27: Williamson, Jr. discloses an isolation system that includes an isolation pipe 136 that includes a pressure activated valve 300, V3 for a first flow path (the flow path through the valve) and coupled to the pipe and a tool shiftable valve 176 for a second flow path (the through bore of the assembly) coupled to the pipe and in communication with the pressure activated valve (3:35-47).

Applicant respectfully traverses the rejection. Crowe discloses a subsurface safety valve system for use with dual production tubing wells. See, e.g., Figure 1. Among other things, Crowe's invention is directed to ease of servicing of the safety valves and full bore access through the valves. See, e.g., Column 5, lines 21 – 44. To accomplish these objectives, Crowe places the safety valves above the upper formation packer system. See Figure 1 and Column 5, lines 21 – 44. Further, Crowe discloses a control line operated safety valve V1, such as a ball valve, positioned above the packer P. See Column 5, lines 3 – 20. If the ball valve fails to open under control line pressure, a mechanical tool can be lowered into the safety valve assembly to shift sleeve 196 to lock open the ball valve. See Column 5, lines 15 – 29. In this event, the safety valve V1 is rendered useless and a “conventional wireline retrievable auxiliary shutoff valve assembly V3” is run into position with the sleeve 196 and valve body section 136a. See Column 16, line 63 – Column 17, line 20. The auxiliary valve V3 is controlled by control line pressure. *Id.* Thus, when safety valve V3 is in use, safety valve V2 is useless and no longer functions as a “tool shiftable valve”.

Claim 27 requires a “pressure activated valve establishing a first flow path” and a “tool shiftable valve establishing a second flow path.” Assuming, *arguendo*, that Crowe's V3 safety

valve is a “pressure activated valve establishing a first flow path,” then Crowe does **not** disclose a separate “tool shiftable valve establishing a second flow path.” Clearly, Crowe’s V2 safety valve is inoperable when the V3 wireline valve is present and, therefore, the V2 safety valve can neither function as a valve nor establish a second flow path. More fundamentally, however, Crowe’s safety valves are located in the production tubing above the upper most packer, and not in a section of the production tubing below the packer, which is normally considered an “isolation string.”

Applicant submits that Crowe does anticipate or render unpatentable claim 27. While claim 27 has been amended, it was not amended in response to this rejection. Reconsideration of this rejection is requested.

Regarding claim 28: The tool shiftable valve is a sliding sleeve that is shiftable between an open and closed position.

Regarding claim 30: The isolation pipe defines a port (either the inlet or outlet of the pipe) through which fluid is allowed to flow when the tool shiftable valve is open.

For at least the reasons listed above with respect to claim 27, dependent claims 28 and 30 are patentable over Crowe. Reconsideration of these rejections is requested.

Regarding claims 38, 46, 64: Williamson, Jr. discloses a method for using the above system that involves inserting the tool into a wellbore, shifting the tool shiftable valve, stinging a string into the isolation string, and then opening the pressure activated valve by pressurized fluid acting on the valve (Abstract, 15:40-42, 16:31-17:20).

Independent claims 38, 46 and 64 each require that the “isolation string” that is run into

the well comprise “a pressure activated valve and a tool shiftable valve.” Under the Examiner’s characterization of Crowe, the “pressure activated valve” is wireline valve V3 and the “tool shiftable valve” is safety valve V2. Thus, applying claims 38, 46 and 64 to Crowe’s disclosure, the V2 safety valve would have to be shifted to the locked open position and the V3 wireline valve would have to be set into place prior to run-in. Applicant contends that this is not what Crowe discloses or teaches.

Further, claims 38, 46 and 64 require that the “tool shiftable valve” be shifted *after* the “isolation string” has been set. This sequence is not disclosed by, taught or even possible with Crowe. For the V3 wireline valve to be in the isolation string, the V2 valve must have been shifted and locked open. Thus, there is no “tool shifted valve” disclosed by Crowe that can be shifted once the V3 wireline valve is in place.

Further still, with respect to claim 64, Crowe fails to disclose that the V3 wireline valve comprises a moveable sleeve.

For at least these reasons, Applicant submits that Crowe cannot anticipate or render unpatentable claims 38, 46 or 64. Reconsideration of these rejections is requested.

Regarding claim 39: The pressure activated valve is opened while the tool shiftable valve is in the wellbore.

Regarding claim 41: The pipe includes an isolation string.

Regarding claim 42: Production fluid is allowed to flow through both valves.

Regarding claim 43: The tool shiftable valve is shifted using a shifting tool.

Regarding claim 49: The shifting tool is removed from the wellbore after

shifting the tool shiftable valve.

For at least the reasons set forth above for claims 38, 46 and 64, dependent claims 39, 41-43 and 49 are patentable over Crowe. Claims 58, 59 and 65 have been amended herein for reasons unrelated to patentability.

4. *Claims 1, 2, 23-26, 55-63, and 65 are allowed.*

Applicant thanks the Examiner for the favorable consideration give to claims 1, 2, 23-26, 55 – 63 and 65.

5. *Claims 29, 31-37, 40, 44, 45, 47, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

Applicant thanks the Examiner for the favorable consideration give to claims 29, 31 – 37, 40, 44, 45, 47 and 48. In favor of the arguments presented above, Applicant chooses not to rewrite these dependent claims at this time. Applicant also understands that claims 50 – 54 are subject to the same objections.

6. *Applicant has traversed the above drawing objection based on Figures 5 and 6 depicting different structures.*

It is first noted that the Brief Description of the Drawings specifically indicates that Figures 5 and 6 show the same valve only Figure 5 shows the valve in the open position and Figure 6 shows the valve in the closed position. Depicting this difference is allowed in a single figure such as that shown in the figure labeled Figures 5 and 6, however, this figure must only be given one label as a figure can only have a single label (see 37 § CFR 1.84(u)). If applicant wishes the open and closed positions to remain separate figures then the figures must be amended to remove the centerline and place space between

the two figures. The current depiction is considered to be only one figure. Secondly, if applicant considers Figures 5 and 6 to be structurally different then they need to be depicted as two separate figures. This can be done as indicated above.

The examiner notes that this objection has been repeated for the third time in as many Office Actions. A response to this Office Action that fails to make the appropriate corrections to Figures 5 and 6 will be held Deliberately Non-Responsive as failing to properly respond to drawing objections.

Because Figure 5 illustrates an embodiment of the invention in the opened condition and Figure 6 illustrates a closed condition, Applicant considers them to be structurally different. Therefore, Applicant has amended these Figures to present them with separate centerlines. The undersigned thanks the Examiner for the detailed explanation and guidance, and regrets any inconvenience his prior responses may have caused.

7. Applicant's arguments with respect to claims 27, 28, 30, 38, 39, 41-43, 46, 49, and 64 have been considered but are moot in view of the new ground(s) of rejection.

CONCLUSION

The fees thought to be due for this paper and any related submission in the fee for a one (1) month extension in the amount of \$120 and the fee for two (2) new independent claims in the amount of \$400. The Commissioner is hereby authorized to charge these fees and any other fee necessary to make this and related papers timely and effective to deposit account 12-1322 (020569-05007).

Appl. No. 10/788,833
Amdt. dated 03/28/2005
Reply to Office action of 11/28/2005

P804-1242E-US

Applicant thanks the Examiner for her consideration and effort on this matter and submits that this application is now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued. The Examiner is invited to call the undersigned with any questions or comments concerning this application.

Respectfully submitted,

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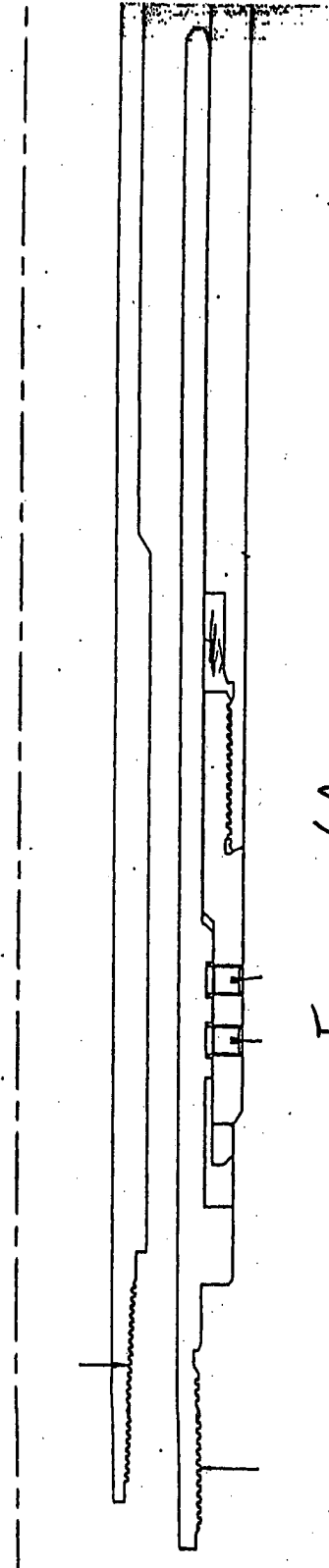
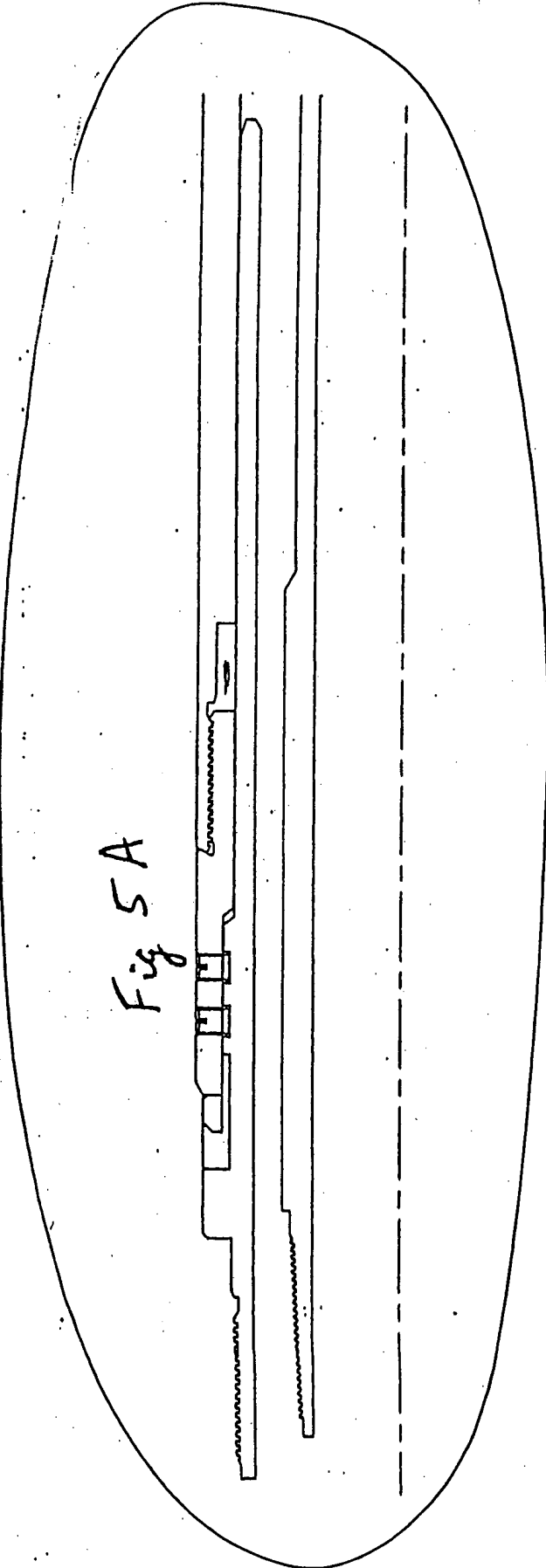


Figure 5B

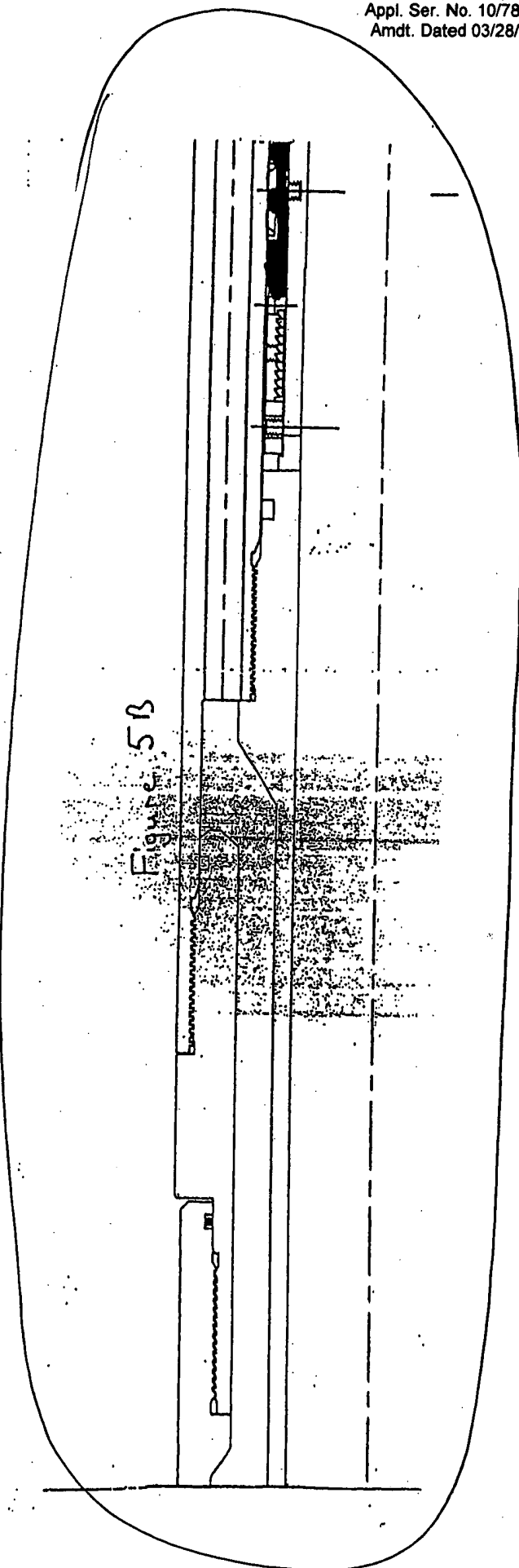
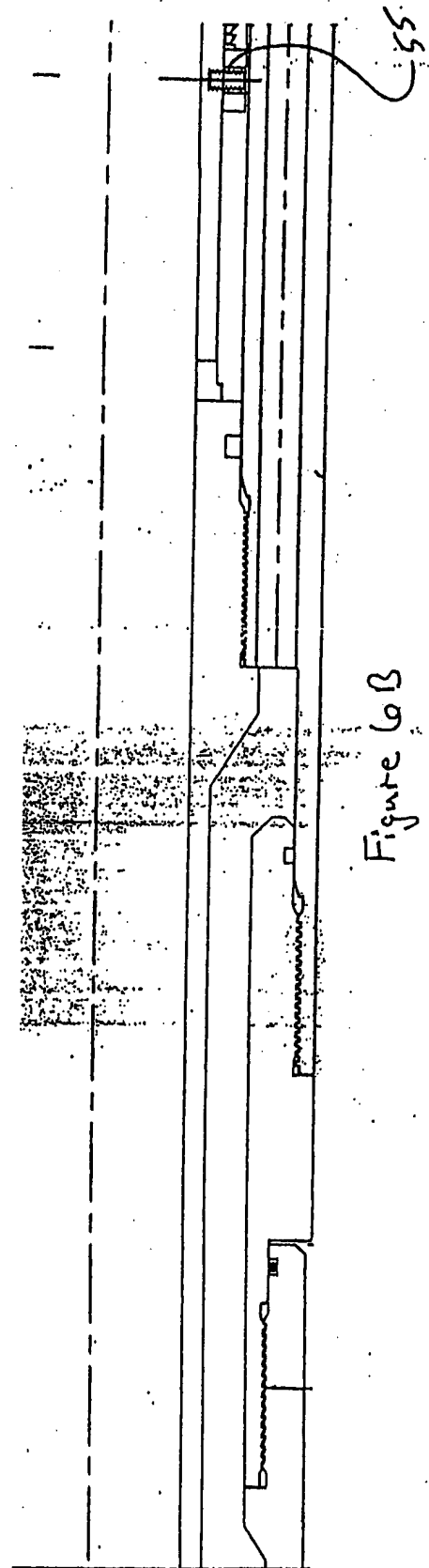


Figure 6B



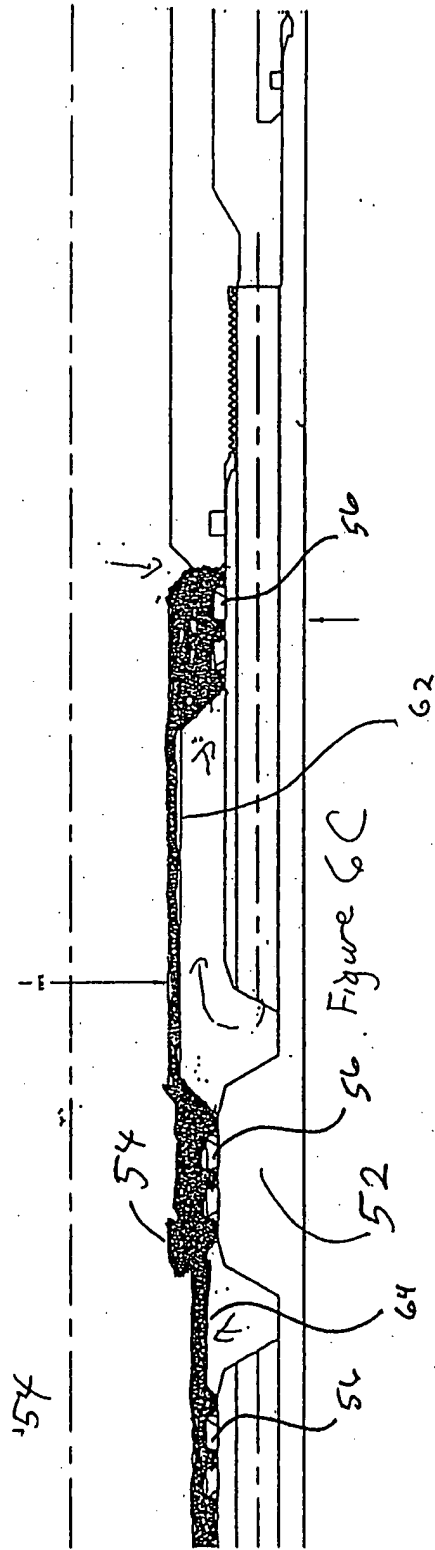
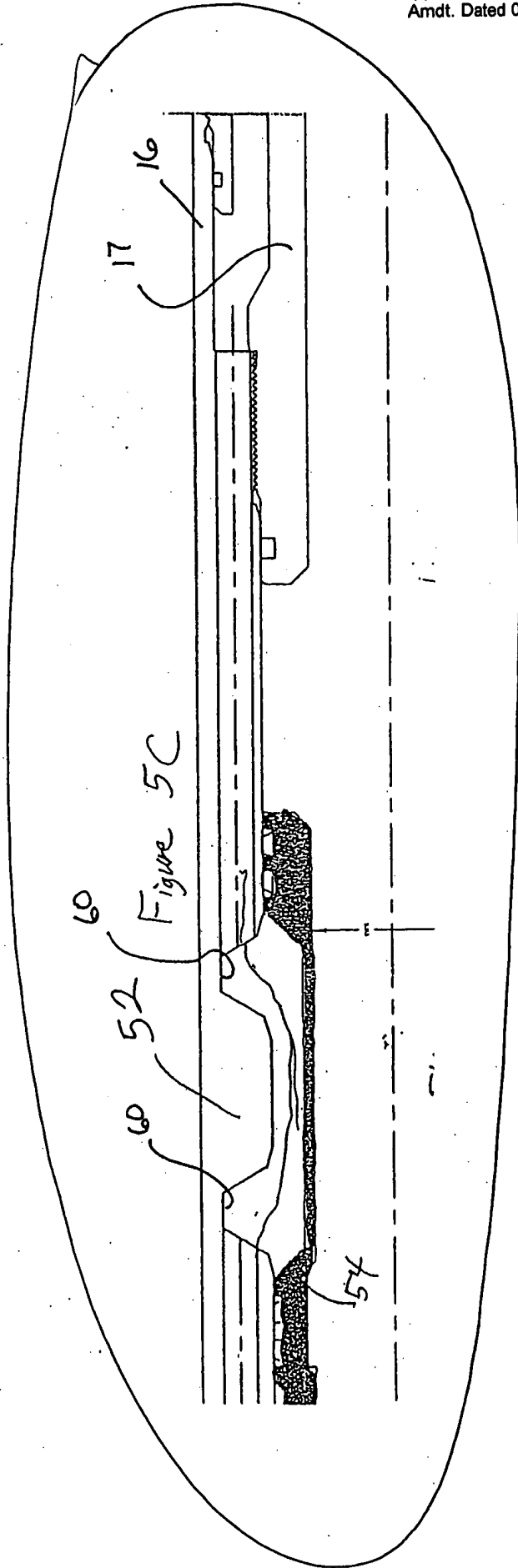


Figure 5D

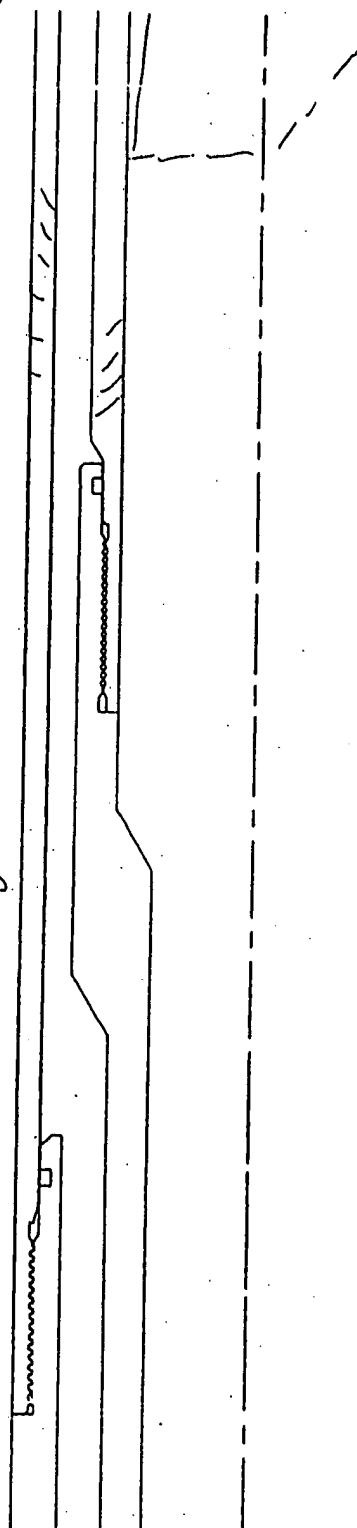


Figure 6D

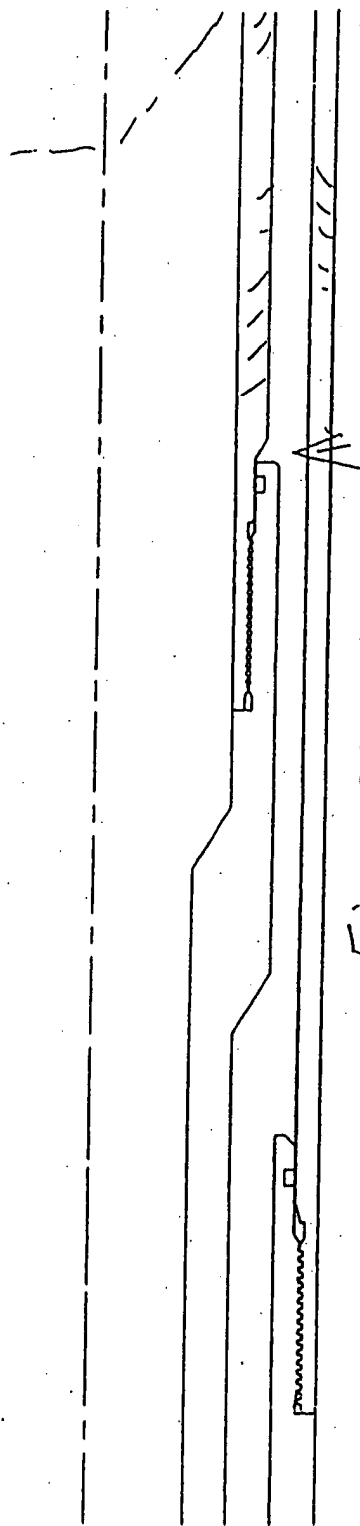


Figure 5E

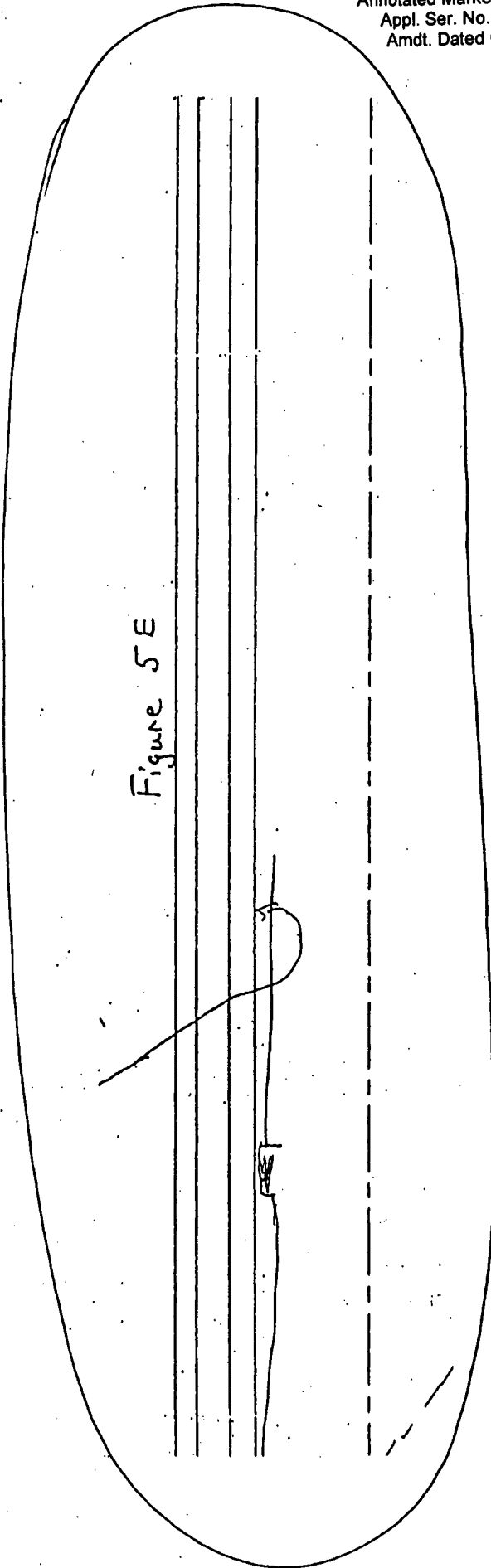


Figure 6E

